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Congress of the United States
House of Representatives
Washington, DC 20515

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21ST CENTURY HEALTH CARE CAUCUS

The Honorable Hilda Solis
Secretary
U.S. Department of Labor
200 Constitution Ave, NW
Washington, DC 20210

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human
Services
200 Independence Ave, SW
Washington, DC 20201

The Honorable Timothy Geithner
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Ave, NW
Washington, DC 20220

Dear Secretaries Solis, Sebelius and Geithner:

We are writing to urge issuance of regulations to implement the *Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008*. Enacted on October 3, 2008, this landmark civil rights legislation will ensure that individuals and families who have mental health and substance use disorders will receive health care on par with other medical conditions covered under group health insurance.

The *Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008* requires the issuance of regulations by October 3, 2009. With or without regulations, the effective date is the beginning of the plan year, one year after date of enactment of the parity law. For most plans, this means the effective date is January 1, 2010. To avoid misinterpretation of the law and to ensure access to critical mental health and substance use disorder services, we hope you will issue timely and specific regulations in accordance with Congressional intent.

During the public comment period on the Request for Information, over 400 comments were filed. The wide range of comments received make clear the need for specific and timely direction from the agencies to ensure that our citizens receive the mental health and substance use disorder services for which we fought. Allowing the law to go into effect without this leadership would increase the likelihood that access to this critical care

may be hindered or delayed. Additionally, any large scale changes to our national health care system should have a clear benchmark of strong mental health parity regulations to which we can refer in order to avoid future barriers to life-saving care. I trust that we share the desire to ensure that does not occur.

Congress carefully considered mental health parity legislation for over twelve years prior to its enactment, and we are hopeful that the promulgated regulations will clearly reflect Congressional intent, especially on several important issues:

- **Scope of services:** It is the intent of this legislation that patients have access to the full scope of services, medically-appropriate for their condition. Regulations should clarify that patients have access to the full scope of services for mental health and substance use disorders which are medically-appropriate.
- **Medical management:** It is the intent of this legislation that plans retain the right to medically manage mental health and substance use disorder benefits, so long as the medical management criteria, including application of scientific research criteria, is no more restrictive than for medical/surgical benefits;
- **“Separate but equal” is not parity:** Separate deductible caps for medical/surgical benefits and mental provides present a significant barrier to treatment, is discriminatory and should be prohibited;
- **Treatment limitations:** The refusal of plans to reimburse medically appropriate mental health/substance use disorder treatments is a violation of the “treatment limitations” definition as stated in the Wellstone Domenici Act and should be prohibited; and,
- **Timely implementation:** Timely implementation of the regulations is critical to avoid continued health discrimination of those with mental health and substance use disorders.

We are hopeful we can work with you on the implementation of these regulations. As the law requires issuance of regulations by October 3, 2009, please provide us with an update on the status of the promulgation of these regulations at least by that date. Thank you for your time and attention to this matter and our request.

Sincerely,


Patrick J. Kennedy
Member of Congress